

REMARKS

Applicant has amended claim 5 to depend from claim 1 so as to satisfy the unity of invention requirement. Claims 5 now forms a single general inventive concept under PCT Rule 13.1.

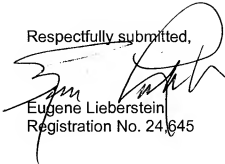
In response to the restriction requirement applicant provisionally elects Group I inclusive of claims 1-3 drawn to the fungicidal composition and claim 5 which has now been amended to depend from claim 1. Claim 5, as amended, is a method or process for using the fungicidal product of claim 1 and accordingly is believed to meet the unity of invention requirement. Accordingly the rejection of the claims 1-3 and 5 as lacking unity of invention should be withdrawn.

In response to the requirement of applicant to elect a single disclosed specie applicant elects "polyoxyethylene alkyl ether" from the adjuvants of claim 1 and "a polyoxyethylene-based nonionic surfactant" which has an aliphatic alcohol, a fatty acid or triacyl glyceride as lipophilic moiety containing at least 8 carbon atoms and a "polyoxyethylene as hydrophilic moiety having 3 to 25 oxyethylene repeating units" from the adjuvants of claim 2. Claims 1-3 and 5 read on the elected species.

If the examiner disallows the amendment to claim 5 at this time applicant would like the amendment held in abeyance to retain the right to rejoinder with the product claims upon an indication of allowance of the invention in claims 1-3.

The restriction requirement is otherwise not traversed.

Respectfully submitted,



Eugene Lieberstein
Registration No. 24,645

Customer #: 79681

Baker & Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111
Tel: (212) 589-4634 /Fax: (212) 589-4201

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being deposited with the U.S. Patent and Trademark Office via the EFS Web and is addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on 25 August 2008.

By



Nel Leonie